

Notice of Allowability

Application No.

10/649,817

Examiner

Karl J. Puttlitz

Applicant(s)

KASUGA ET AL

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Reply filed 12/17/2004.
2. ☒ The allowed claim(s) is/are 5 and 11-14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/956896.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance


JOHANN RICHTER
SUPERVISORY PATENT EXAMINER
GROUP 1202

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REASONS FOR ALLOWANCE

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Please enter the following before the first sentence of the specification:

Cross Reference to Related Applications

This application is a divisional of U.S. Serial No. 09/956,896 filed 09/21/2001, which issued as U.S. Patent No. 6,664,206.

The following is an examiner's statement of reasons for allowance:

The rejection under section 112, second paragraph is withdrawn in view of the amendments clarifying the reduced activity of the recited catalyst.

The rejection under section 102(b) over Kasuga is withdrawn since the reference is not prior art under any subparagraph of section 102.

The rejection under section 102(b) over Kamogawa is withdrawn since the reference does not teach the use of a gas containing a nitrogen-containing heterocyclic compound.

The rejection under section 102(b) over JP 247 is withdrawn since the reference does not teach the use of a gas containing a nitrogen-containing heterocyclic compound.

The rejection under section 103(a) over Kasuga in view of Sugi is withdrawn since Kasuga is not prior art under any subparagraph of section 102. Sugi cannot remedy the deficiency of Kasuga.

The rejection under section 103(a) over Kamogawa in view of Sugi is withdrawn since Kamogawa fails to motivate those of ordinary skill to modify its teachings to include the step of using of a gas containing a nitrogen-containing heterocyclic compound. Sugi fails to remedy Kamogawa since Sugi fails to motivate those of ordinary skill to modify its teachings to include the step of using of a gas containing a nitrogen-containing heterocyclic compound.

The rejection under section 103(a) over JP 247 in view of Sugi is withdrawn since JP 247 fails to motivate those of ordinary skill to modify its teachings to include the step of using of a gas containing a nitrogen-containing heterocyclic compound. Sugi fails to remedy Kamogawa since Sugi fails to motivate those of ordinary skill to modify its teachings to include the step of using of a gas containing a nitrogen-containing heterocyclic compound.

The Double Patenting rejection over U.S. Patent No. 6,664,206 is withdrawn since the instant invention is drawn to a method of producing methacrylic acid, which is not co-extensive in scope as a method of reactivating a catalyst for methacrylic acid production, which is covered in the claims of U.S. Patent No. 6,664,206.

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The Double Patenting rejection over U.S. Patent No. 6,673,733 is withdrawn since the instant invention is drawn to a method of producing methacrylic acid, which is not co-extensive in scope as method for regenerating a deteriorated catalyst of reduced activity, which is covered in the claims of U.S. Patent No. 6,674,733.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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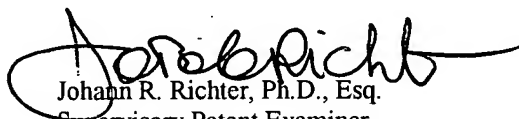
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl J. Puttlitz whose telephone number is (571) 272-0645. The examiner can normally be reached on Monday-Friday (alternate).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571) 272-0646.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist.

Karl J. Puttlitz
Assistant Examiner


Johann R. Richter, Ph.D., Esq.
Supervisory Patent Examiner
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Art Unit 1621
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